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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,546	10/31/2000	Gordon D. Ford		1155

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/05/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,546

Applicant(s)

FORD ET AL.

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Regarding claims 1-9 the recitation “bleed-through” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Potucek et al. (U.S. Patent No. 6,437,358)

Regarding claim 1, Potucek et al. discloses a method for reducing the effect of bleed-through on a captured image comprising:

illuminating a physical medium with light having a first illumination quality (fig. 2, col. 5, line 62 through col. 6, line 14);

recording a first image of the physical medium (fig. 2, col. 5, line 62 through col. 6, line 14);

illuminating the physical medium with light having a second illumination quality (fig. 2, col. 5, line 62 through col. 6, line 14);

recording a second image of the physical medium (fig. 2, col. 5, line 62 through col. 6, line 14); and

combining the first and the second image to form a captured image (col. 5, line 44 through col. 6, line 14).

Regarding claim 2, Potucek et al. discloses the method as in Claim 1, wherein a single illumination source provides said light having a first illumination quality and said light having a second illumination quality (fig. 2, col. 5, line 62 through col. 6, line 14).

Regarding claim 3, Potucek et al. discloses the method as in Claim 1, wherein a first illumination source provides said light having a first illumination quality and a second illumination source provides said light having a second illumination quality (fig. 2, col. 5, line 62 through col. 6, line 14).

Regarding claim 4, Potucek et al. discloses the method as in Claim 1, wherein the first

illumination quality is a first illumination intensity, and the second illumination quality is a second illumination intensity (fig. 2, col. 5, line 62 through col. 6, line 14).

Regarding claim 5, Potucek et al. discloses the method as in Claim 1, wherein the first illumination quality is a first frequency of light, and the second illumination quality is a second frequency of light (col. 5, lines 64 through col. 6, line 3).

Regarding claim 6, Potucek et al. discloses the method as in Claim 1, wherein the first image of the physical medium is recorded using light reflected from the physical medium, and the second image of the physical medium is recorded using light transmitted through the physical medium (fig. 10, lines 15-37).

Regarding claims 7, 8 and 9 arguments analogous to those presented for claims 1, 2 and 6 are applicable to claims 7, 8 and 9 respectively.

Claims 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Nichani (U.S. Patent No. 6,134,343)

Regarding claim 26, Nichani discloses a method for correcting bleed-through in a captured image comprising:

obtaining information indicative of a first image density of an image formed on a physical medium; obtaining information indicative of a second image density of the image formed on the physical medium; comparing the information indicative of the first image density with the information indicative of the second image density to determine what portions of the information are due to bleed-through; and altering the portions of the information that are due to bleed-through in the physical medium to form a corrected image (col. 7, lines 21-37 and col. 7 line 65 through col. 9, line 17).

Regarding claim 27, Nichani discloses the method as in Claim 26, wherein the information indicative of a first image density is obtained using reflected light and the information indicative of the second image density is obtained using transmitted light (col. 8, lines 58-62).

Regarding claim 28, Nichani discloses the method as in Claim 26, wherein the information indicative of a first image density and the information indicative of a second image density are each obtained using reflected light (col. 7, lines 21-37 and col. 7 line 65 through col. 9, line 17).

Regarding claim 29, Nichani discloses the method as in Claim 26, wherein the information indicative of a first image density is obtained using light having a first frequency, and the information indicative of the second image density is obtained using light having a second frequency different from the first frequency (col. 7, lines 21-37 and col. 7 line 65 through col. 9, line 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potucek et al. (U.S. Patent No. 6,437,358), and further in view of Dawe (U.S. Patent No. 6,219,158).

Regarding claim 10, Potucek et al. discloses an image-capturing system comprising:

at least one illumination source, said at least one illumination source capable of illuminating said physical medium such that light is reflected from said physical medium and transmitted through said physical medium (fig. 10, lines 15-37).;

at least one detector, said detector enabled to generate signals in response to said light reflected from said physical medium and said light transmitted through said physical medium, and said detector further enabled to output said signals for image processing (fig. 10, lines 15-37).; and

Potucek et al. does not explicitly disclose an information handling system comprising:

at least one processor; memory operably associated with said processor; and a program of instructions capable of being stored in said memory and executed by said processor, said program of instructions enabled to control illumination of the physical medium, receive said electrical signals output by said at least one detector; and process said electrical signals to form a captured image having reduced bleed-through. Dawe discloses such a system (col. 3, lines 33-65). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to utilize the software described in Dawe's system in controller or processor of Potucek, because, this addition would improve the captured image by reducing the effects of bleed-through.

Regarding claims 11, 13, 14, 16 and 17 arguments analogous to those presented for claims 6, 8 and (5) are applicable to claims 11, 13 and (14, 16 and 17) respectively.

Regarding claim 12, Potucek discloses the image-capturing system as in Claim 11, wherein said first illumination source is configured to illuminate a first side of the physical medium, and said second illumination source is configured to illuminate a second side of the

physical medium (fig. 10, lines 15-37).

Regarding claim 15, potucek discloses the image-capturing system as in Claim 10, wherein said at least one illumination source is configured to illuminate said physical medium a plurality of times (fig. 10, LS2).

Regarding claim 18, potucek discloses the image-capturing system as in Claim 10, wherein said image capturing system comprises a facsimile device (col. 6, lines 22-46).

Regarding claim 19, potucek discloses the image-capturing system as in Claim 10, wherein said image capturing system comprises a copy machine (col. 6, lines 22-46).

Regarding claim 20, potucek discloses the image-capturing system as in Claim 10, wherein said image capturing system comprises a scanner (col. 6, lines 22-46).

Regarding claim 21, potucek discloses an image-capturing system comprising:
at least one illumination source, said at least one illumination source capable of illuminating said physical medium with light having a first illumination characteristic and light having at least a second illumination characteristic different from said first illumination characteristic (col. 5, line 36 through col. 6, line 3);

at least one detector, said detector enabled to generate electrical signals in response to light reflected from said physical medium, and said detector further enabled to output said electrical signals for image processing (col. 5, lines 2-23).

Regarding claim 22, potucek discloses an image-capturing system as in Claim 21, wherein said first illumination characteristic is a first illumination intensity and said second illumination characteristic is a second illumination intensity different from said first illumination intensity (col. 5, line 36 through col. 6, line 3).

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Regarding claim 23, potucek discloses the image-capturing system as in Claim 21, wherein said image capturing system comprises a facsimile device (col. 6, lines 22-46).

Regarding claim 24, potucek discloses the image-capturing system as in Claim 21, wherein said image capturing system comprises a copy machine (col. 6, lines 22-46).


Regarding claim 25, potucek discloses the image-capturing system as in Claim 21, wherein said image capturing system comprises a scanner (col. 6, lines 22-46).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

 Houshang Safaipour
Patent Examiner
Art Unit 2622
October 29, 2003


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